

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

ALONZO AUSTIN,

Plaintiff,

MODERN WOODMAN of  
AMERICA, et al

Defendants.

Civil Action No.:  
**3:07-cv-138-MHT**

**MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM,**  
**PURSUANT TO F.R.Civ.P. 12(b)(6)**

**COMES NOW** the defendant, Alabama Board of Medical Licensure, and moves this Honorable Court, pursuant to F.R.Civ.P. 12(b)(6), to dismiss the Alabama Board of Medical Licensure from the above stated cause of action and, for grounds, state as follows:

## FACTUAL ALLEGATIONS

On February 14, 2007, the plaintiff filed a lawsuit and listed the Alabama Board of Medical Licensure (hereinafter “ABML) as a defendant. The plaintiff has failed to make any allegations or claims against the Alabama Board of Medical Licensure and, as a result, the ABML moves this Honorable Court to dismiss it from the above stated cause of action.

ARGUMENT

“A motion to dismiss is only granted when the movant demonstrates ‘beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.’” Williams v. Bd. of Regents of the Univ. of Georgia, No. 04-13800, 2007 WL 431047, at \*3 (11th Cir. Feb. 9, 2007). The plaintiff’s complaint raises no allegations against the ABML. Admittedly, because the plaintiff is pro se’ her complaint should be construed liberally. Johnson v. Atkins, 999 F. 2d 99, 100 (5th Cir. 1993). In this case, even a liberal interpretation of the allegations in the pleadings would produce no claims against the ABML.

**WHEREFORE PREMISES CONSIDERED**, the defendant (Alabama Board of Medical Licensure) moves this Honorable Court to dismiss the above stated cause of action.

**RESPECTFULLY SUBMITTED**, this the 23rd day of March, 2007.

TROY KING (KIN-047)  
ATTORNEY GENERAL  
By:

/s/BETTIE J. CARMACK

Bettie J. Carmack (CAR-132)  
*Assistant Attorney General*  
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**CERTIFICATE OF SERVICE**

This is to certify that I have on this **23rd** day of **March**, **2007**, served  
copies of the foregoing *Motion* upon the plaintiff by depositing same in the United  
States Mail, addressed as follows:

**Alonzo Austin, Pro Se'  
1321 Oliver Carlis Road  
Tuskegee, AL 36083**

/s/ BETTIE J. CARMACK  
Bettie J. Carmack (CAR -132)  
ASSISTANT ATTORNEY GENERAL